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rive at the point where we tell ourselves, without reservation, that a tax cut will cure unemployment.

Self-delusion is dangerous. It is doubly dangerous when high hopes are built on a false premise.

I am anxious to join a real war on poverty. A skirmish of words is not enough.

Mr. President, I withdraw the amendment to the motion to recommit.

AMENDMENT OF SMALL BUSINESS ACT

Mr. PROXMIRE. Mr. President, the Senate has received a message from the House that it has passed the bill (S. 1309) to amend the Small Business Act, with amendments. I ask that the Chair lay before the Senate the amendments of the House to that bill.

The PRESIDING OFFICER laid before the Senate the amendments of the House of Representatives to the bill (S. 1309) to amend the Small Business Act, and for other purposes, which were, on page 1, strike out lines 3 through 7, inclusive; on page 1, strike out lines 8 and 9, and insert:

That (a) paragraph (2) of section 7(b) of the Small Business Act is amended to read as follows:

On page 3, line 7, strike out "Sec. 3." and insert "Sec. 2."

Mr. PROXMIRE. Mr. President, the House amended this bill by striking out the section of the bill which would have increased the authorization of the Small Business Administration's revolving fund for the use of its programs under the Small Business Investment Act of 1958 by \$34.3 million. The House accepted the other provisions of the bill.

This amendment was reported to the House by the House Banking and Currency Committee after Mr. Eugene P. Foley, Administrator of the Small Business Administration testified that:

I have checked our books and our operations, and I personally believe that we could do without the authorization that was approved by the Senate. I think we could probably get along without it the balance of this fiscal year. Also this would be in keeping with the President's keen desire for frugality in Government.

I am delighted that the House amended the bill in this fashion. I did not vote for this increase when the bill was considered by the Banking and Currency Committee, and I spoke against it when the bill was before the Senate. I stated in my minority views in our committee report regarding this \$34.3 million increase as follows:

I cannot vote for this increase. With our budget still unbalanced, our defense costs continuing at a high rate, and a large tax cut likely to be passed early next year, Congress should not increase the size of these authorizations. The SBIC program can and should be operated within its present authorization limits.

Now that SBA has come to the same conclusion, I am glad to say that the junior Senator from Alabama [Mr. SPARKMAN], who handled this bill on the Senate floor, has agreed with me to accept the House amendment and send the bill to the President at once.

I am particularly glad that we can act promptly on this bill, because it contains a provision of importance to the Great Lakes area. The House accepted the amendment sponsored and supported by Senators HART, HUMPHREY, MCCARTHY, McNAMARA, NELSON—the Presiding Officer—and myself, which makes disaster loans available to companies that have suffered economic injury due to the unfortunate botulism episode in the Great Lakes area. I was happy to join with my colleagues from this area in sponsoring this amendment, and I hope that the assistance which will be made available to small businessmen who qualify under this amendment will prove of great benefit to them in this very unhappy period. I will do all that I can to see that the Small Business Administration begins processing the applications for loans under this provision as quickly as possible.

Mr. President, I move that the Senate concur in the amendment of the House.

Mr. HART. Mr. President, I am delighted that S. 1309 is before the Senate today for concurrence in the amendments of the House.

This is not a major piece of legislation as compared with many that come before the Senate. It does not involve the expenditure of billions of dollars. And yet it will help some of our people very much indeed, and it is an encouraging example of the fact that the Congress can and does respond to the needs of our citizens.

To give just a bit of the legislative history, S. 1309 started out as a bill to enlarge the SBA revolving fund and to broaden the disaster loan section to cover all types of natural disasters. After the hearings had been held by the Senate Banking and Currency Committee, and after the bill had been reported, an unusual kind of disaster struck the commercial fishing industry of the Great Lakes: the discovery of botulism E in smoked fish from the area.

The FDA recommendations with respect to smoked fish were widely misinterpreted and had a devastating effect on the market—not only for smoked fish, which had been the source of the problem, but on fresh and frozen fish which had not been embraced within the FDA warning. Almost overnight some 20,000 people in the Great Lakes area were without a means of livelihood: the fishermen, the processors, the wholesalers, and even many retailers—some as far away as California and New York.

To respond to this emergency, and to tide the industry over until solutions could be found, I introduced on the Senate floor, an amendment to S. 1309 which would broaden the disaster loan section to cover the small business concern unable "to process or market a product for human consumption because of disease or toxicity occurring in such product through natural or undetermined causes." Joining me in sponsorship of this amendment were Senators McCARTHY, HUMPHREY, McNAMARA, PROXMIRE, and NELSON.

The Senator from Alabama [Mr. SPARKMAN], who had introduced S. 1309 and was managing it on the Senate floor, very kindly agreed to accept the amend-

ment. It was in the bill as it went to the House, and is in the bill as it comes back from the House.

The provision of disaster loans will not be the full answer for this industry. We need to find new ways of marketing the chub in an appetizing and economically competitive fashion. We must counteract the false notion that fresh and frozen fish emanating from the Great Lakes are possibly harmful. And we need to explore whether there is a means of compensating those who have suffered very substantial loss because of the FDA-recommended destruction of already-caught fish. But the amendment which I offered—and the Senator from Alabama kindly accepted—will be of very great help while we work out these other problems.

I hope the Senate will send the bill to the President and that it may soon have his signature.

The PRESIDING OFFICER. The question is on agreeing to the motion of the Senator from Wisconsin [Mr. PROXMIRE] that the Senate concur in the amendments of the House.

The motion was agreed to.

ADJUSTMENT IN ANNUITIES UNDER FOREIGN SERVICE RETIREMENT AND DISABILITY SYSTEM

The Senate resumed the consideration of the bill (S. 745) to provide for adjustments in annuities under the Foreign Service retirement and disability system.

The PRESIDING OFFICER. The question is on agreeing to the motion to recommit made by the Senator from Ohio [Mr. LAUSCHE].

Mr. MANSFIELD. Mr. President, I suggest the absence of a quorum.

The PRESIDING OFFICER. The clerk will call the roll.

The legislative clerk proceeded to call the roll.

Mr. MANSFIELD. Mr. President, I ask unanimous consent that the order for the quorum call be rescinded.

The PRESIDING OFFICER. Without objection, it is so ordered.

Mr. SPARKMAN. Mr. President, with reference to S. 745, the Senator from Ohio has made a motion to recommit. There has been some discussion on the bill. I was under the impression that Senators were pretty close together before the discussion. An agreement has been reached. The Senator from Ohio and the Senator from Delaware—other Senators may have been present at the discussion—have agreed upon an amendment, which will be offered by the Senator from Ohio. I understand that if the amendment is agreed to, the Senator from Ohio is willing to withdraw his motion to recommit.

Mr. LAUSCHE. Is the pending question the motion to recommit?

The PRESIDING OFFICER. The Senator is correct. The Senator may withdraw his motion to recommit.

Mr. LAUSCHE. I withdraw my motion at this time.

The amendment which I am offering would impose upon a retiree who did not designate his spouse as a potential surviving beneficiary, thus procuring in-

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creased annuities, as a prerequisite to the right of now designating his spouse as beneficiary, the obligation of paying into the fund the excess payments received by the retiree. If retiree A did not designate his spouse as the potential surviving beneficiary, he would have the right only to so designate the spouse now provided he paid back into the Treasury the excess amount which he received.

That is the objective of my amendment.

Mr. SPARKMAN. That, of course, would be not to exceed what he would have had to pay.

Mr. LAUSCHE. That is correct.

Mr. WILLIAMS of Delaware. Mr. President, I am in agreement with the purpose of the proposed amendment. The adoption of this amendment would mean that the retiree and his wife, together, will receive only what they would have received originally had the husband when he retired declared her the beneficiary. Is that correct?

Mr. LAUSCHE. That is correct.

Mr. WILLIAMS of Delaware. The excess amount which they have collected during the intervening period, while he had not declared her as a beneficiary, would have to be paid back into the fund before they could start drawing the additional annuity. Is that correct?

Mr. LAUSCHE. That is correct.

Mr. WILLIAMS of Delaware. I join in support of the amendment. It is only fair, in the interest of all other Government employees, to insist that this rule be applied. I appreciate the work that the Foreign Service officers are doing, and I am aware of the fact that they are entitled to retirement benefits.

But they already have liberal benefits. It was stated earlier, in rebuttal of the arguments, that the Senator from Ohio [Mr. LAUSCHE] and I were being unduly harsh toward some poor, destitute widows.

I should like to place in the RECORD, figures to show that this is not quite the case with respect to the retirement benefits under discussion. I shall list some of the benefits that are being drawn by some persons in this category and who are affected by the proposal before the Senate today. I shall not mention any names.

In case No. 32 the average 5-year salary of the employee was \$25,000. He retired on a pension of \$17,500 a year. He could have named his wife as his beneficiary by taking a reduction in this amount, but he did not do so. Under the pending bill we were asked to take care of the wife of a man who was drawing \$25,000 a year while he was working and receiving \$17,000 a year in retirement benefits, but who did not think enough of his own wife to declare her his beneficiary. The amendment provides that he must repay to the Treasury the excess amount that he has received. Why should he not pay it back into the Treasury?

In case No. 9—I shall not read all of them—the average 5-year salary of the employee was \$25,276.40. He drew a pension of \$14,698.86. That is over \$1,000 a month. That is not quite pauper status even by New Frontier standards.

In the third case, the average 5-year salary was \$14,812.78. The retiree draw a pension of \$10,368.95.

In case No. 221, the average 5-year salary was \$18,784.74. The pension was at the rate of \$12,159.32.

Under the bill without the Lausche amendment which is now being offered an additional \$9,000 bonus would be paid by the taxpayers to these same retirees solely because the employees failed to take care of their own responsibilities by designating their wives as beneficiaries.

Mr. President, I ask unanimous consent to have printed at this point in the RECORD a table of 20 such cases, showing the average 5-year salary and the amounts of the pensions involved. These men were well able to have taken care of their wives.

There being no objection, the table was ordered to be printed in the RECORD, as follows:

Case No.	5-year salary	Pension
9.....	\$25,076.40	\$14,698.86
3.....	14,812.78	10,368.95
12.....	13,500.00	8,100.00
63.....	13,500.00	8,100.00
75.....	13,669.76	10,068.83
114.....	13,812.40	9,688.68
124.....	13,804.65	9,012.88
132.....	25,000.00	17,500.00
198.....	14,634.37	10,238.03
221.....	18,784.74	12,159.32
250.....	14,163.90	10,414.73
258.....	12,038.10	9,819.34
266.....	16,877.45	10,167.51
284.....	14,510.71	9,278.98
289.....	14,151.92	8,460.45
370.....	15,077.28	10,554.10
402.....	16,787.04	10,066.28
415.....	16,291.29	9,530.40
432.....	13,500.00	8,100.00

Mr. WILLIAMS of Delaware. Mr. President, I have submitted this table to show that we are not dealing with persons who are living in poverty. Many people drawing social security benefits live on substantially lower pensions. Many employees with far less retirement credits have designated their wives as the beneficiaries and taken the reduction. The employees in the categories provided in the bill, who were drawing pensions of from \$10,000 to \$17,000 a year, should have assumed an equal responsibility to provide for their wives. Having failed to do so, they should be required to repay the excess amounts into the Federal Treasury.

Some of the retirees are still living and drawing their pensions. They can well take care of their own wives before they pass away. They have a responsibility to do so.

As was said earlier, there have been numerous liberalizations of the retirement payments without a corresponding increase in the contributions. This has reduced the retirement fund to the point of bankruptcy. If additional appropriations are not made by Congress over and above what is being now added, by 1977 the retirement fund will be bankrupt.

When the American people learn that they will have to pay as high as 21 or 22 percent more into the retirement fund to keep it solvent, which means an additional contribution of \$2.5 billion on a \$10 billion annual payroll, there will be open revolt.

Rather than having this issue met by Congress, each year there is a parade of bills similar to the one before the Senate today, in which everyone carries a flag, shouting what he wants to do for the poor widow. Under the present trend the widows of America will be pauperized, their retirement fund will become depleted, and they will become dependent upon the charity of the American taxpayers.

I hope the amendment will be adopted. If it is not, I shall join with the Senator from Ohio and insist that the bill be re-committed.

The PRESIDING OFFICER. The question is on agreeing to the committee amendments.

The committee amendments were agreed to.

Mr. LAUSCHE. Mr. President, I offer my amendment and ask that it be read.

The PRESIDING OFFICER. The amendment of the Senator from Ohio will be stated.

The LEGISLATIVE CLERK. On page 2, between lines 20 and 21, it is proposed to insert the following:

(d) Notwithstanding the foregoing provisions of this section, no election under paragraph (a) by an annuitant who did not elect a survivor annuity at the time of retirement shall be effective unless there is paid into the Foreign Service retirement and disability fund by or on behalf of the annuitant an amount equal to the amount by which (a) the total annuity received by the annuitant prior to the effective date of any adjustment in his annuity pursuant to an election under this section exceeds (b) the total annuity which he would have received prior to such date had he elected, at the time of his retirement, a survivor annuity bearing the same ratio to the maximum survivor annuity which he could have elected at such time as the survivor annuity which he elects under this section bears to the maximum survivor annuity which he could elect under this section. The Secretary, under circumstances determined by him in each instance, may permit payments required by this subsection to be made in installments.

Mr. LAUSCHE. Mr. President, to make the record clear, for 1962 the contributions made to the fund by the Government and by the employees were \$6,065,000. The amount disbursed was \$5,524,000. That is a difference of only \$541,000 between the amount paid out and the amount received. It is because of that situation that the actuarial experts in the State Department have said that even though the Government pays into the fund the \$282 million which it owes, the future contributions will have to be 29.7 percent of the payroll.

Mr. SPARKMAN. Mr. President, I invite the attention of the Senator from Delaware. I am perfectly willing to agree to the amendment as it has been proposed in order to have the bill disposed of, because I believe the two sections that are taken care of under the bill, with the amendment, are certainly more deserving. However, I should like to say to the Senator from Delaware that I do not believe that either of the cases he has cited is necessarily a case in which the employee did not provide an annuity for his wife. The employees to whom the Senator referred are still living. The table shows what the aver-

age income is and what the retirement income would be.

But in order to provide retirement benefits for the widow after the employee dies, these officers are still paying the much larger amount that was required before 1960. The bill would enable them to reduce their payments to the same amount to which we allowed other Government employees to reduce in 1960. In all fairness, I thought that should be said regarding those cases. I have nothing further to say.

Mr. WILLIAMS of Delaware. In 1962 an inequity was created which, it was said, would not cost much. Two years later it is proposed to correct that inequity by expanding the benefits to everyone all over again, and calling it the correction of an inequity. I do not think there is too much of an inequity to any employee of the U.S. Government who has retired on a \$17,500 pension. He has much to be thankful for without asking for more.

Mr. SPARKMAN. I have agreed with the Senator on the amendment. I think it goes a long way toward doing equity.

The PRESIDING OFFICER. The question is on agreeing to the amendment of the Senator from Ohio.

The amendment was agreed to.

Mr. PELL. Mr. President, the bill before the Senate, S. 745, which would adjust annuities under the Foreign Service retirement and disability system, is essentially a legislative proposal for equitable relief.

I am quite well aware of the objections of the minority in this matter. While I believe that sound actuarial rules should be employed wherever possible, I see this as little justification for inflexibility when equity demands action.

No one is claiming that these retired Foreign Service officers deserve such annuity adjustments as a matter of right. But in carefully examining the facts, the apparent inequities that have resulted with a change in the retirement laws vis-a-vis those persons who retired prior to October 16, 1960, call for corrective action. I see no justice in the fact that those persons who retired after the 1960 date could provide an annuity for their surviving widows at one-third the cost required of those who retired before that date. The disparity in cost, the difference in annuity benefits of \$600 more for those under the new statute, and the practical consideration that this bill will affect only approximately 300 persons, leads to the inevitable conclusion that it is just and should be enacted.

The PRESIDING OFFICER. The bill is open to further amendment.

If there be no further amendment to be proposed, the question is on the engrossment and third reading of the bill.

The bill (S. 745) was ordered to be engrossed for a third reading, and was read the third time.

The PRESIDING OFFICER. The question now is, Shall the bill pass?

Mr. LAUSCHE. Mr. President, the compromise has substantially improved the bill. On the other hand, I think weakness still remains in it. Despite the improvement, I shall not be able to vote for the bill.

The PRESIDING OFFICER. The question now is, Shall the bill pass?

The bill (S. 745) was passed, as follows:

Be it enacted by the Senate and House of Representatives of the United States of America in Congress assembled, That annuities paid from the Foreign Service retirement and disability fund on the date of enactment of this Act, based on service performed by annuitants which terminated prior to October 16, 1960, shall be adjusted under the provisions of section 821(b) of the Foreign Service Act of 1946, as amended, relating to the formula for reduction in annuity to provide for a surviving widow, as though such provisions had been in effect on the date of the annuitant's separation from the Service, and in accordance with the following:

(a) An annuitant who at time of retirement was married to a wife who is still living, whether or not he so elected at time of retirement or subsequently, may within ninety days of enactment of this Act, elect to provide the maximum survivor annuity, and if the maximum be less than \$2,400 the annuitant may elect up to \$2,400;

(b) The annuitant's current full annuity, exclusive of annuity increases, shall be used as a base, and the amounts of annuity increases which have been granted, either at time of retirement or subsequent thereto, shall not be affected by such adjustments;

(c) If, during the ninety-day period following enactment of this Act an annuitant dies without having made a new election in accordance with the provisions of this Act, leaving a wife to whom he was married at time of retirement, benefits shall be payable to her as though the maximum benefit had been elected, except that such annuity shall not be less than \$2,400, unless the annuitant has certified in writing his intention of not making a new election under the provisions of this Act.

(d) Notwithstanding the foregoing provisions of this section, no election under paragraph (a) by an annuitant who did not elect a survivor annuity at the time of retirement shall be effective unless there is paid into the Foreign Service retirement and disability fund by or on behalf of the annuitant an amount equal to the amount by which (A) the total annuity received by the annuitant prior to the effective date of any adjustment in his annuity pursuant to an election under this section exceeds (B) the total annuity which he would have received prior to such date had he elected, at the time of his retirement, a survivor annuity bearing the same ratio to the maximum survivor annuity, which he could have elected at such time as the survivor annuity which he elects under this section bears to the maximum survivor annuity which he could elect under this section. The Secretary, under circumstances determined by him in each instance, may permit payments required by this subsection to be made in installments.

Sec. 2. If a former participant whose service was terminated prior to October 16, 1960, and who elected a deferred annuity, dies before becoming eligible to receive an annuity, the annuity of the surviving widow, if eligible under the terms of the law in effect upon his separation from the Service, shall be computed under the provisions of section 821(b) of the Foreign Service Act of 1946, as amended.

Sec. 3. In any case where an annuitant who retired prior to October 16, 1960, dies prior to enactment of this Act, leaving a widow to whom he was married at time of retirement who is not entitled to receive an annuity under the Foreign Service retirement and disability system, and who is not receiving benefits as a widow under the Federal Employees' Compensation Act, the Secretary of State may in his discretion grant such a widow an

annuity of \$2,400 per annum; or in cases where such widows are receiving less than \$2,400, the annuity shall be increased to \$2,400.

Sec. 4. No annuity shall be payable from the Foreign Service retirement and disability fund to the widow of an annuitant whose services terminated prior to October 16, 1960, who did or did not provide for a widow survivor at time of retirement, or subsequently, and who elects not to avail himself of the provisions of this Act: *Provided*, That this section shall not operate to deny to a widow an annuity previously provided by her husband or granted otherwise by law.

Sec. 5. No annuity for a survivor shall be computed on any additional annuity purchased with voluntary contributions pursuant to the provisions of section 881 of the Foreign Service Act of 1946, as amended.

Sec. 6. The provisions of this Act shall not apply to annuitants recalled to duty under section 520 of the Foreign Service Act of 1946, as amended, who are separated subsequent to October 16, 1960.

Sec. 7. The following provisions of law are hereby superseded, except in no event shall existing annuity increases provided therein be reduced by the enactment of this section:

(a) Section 2 of Public Law 82-348 (66 Stat. 81).

(b) Sections 4 and 5 of Public Law 84-503 as amended by section 2 of Public Law 86-612 (70 Stat. 125; 74 Stat. 371).

(c) Sections 1(a) and 1(b) of Public Law 85-882 (72 Stat. 1705).

Sec. 8. Any adjustment in annuity provided by this Act shall commence on the first day of the month following the expiration of ninety days after enactment, and the monthly rate payable after such adjustment shall be fixed at the nearest dollar.

Sec. 9. No part of the moneys now or hereafter contained in the Foreign Service retirement and disability fund shall be applied toward the payment of any increase in annuity benefits resulting from the enactment of this Act, except those benefits provided by section 10, until and unless an appropriation is made to such fund in an amount which the Government actuary estimates to be necessary to prevent an immediate increase in the unfunded liability to said fund.

Sec. 10. Title VIII of the Foreign Service Act of 1946, as amended, is amended by adding the following:

"PART J—COST-OF-LIVING ADJUSTMENTS OF ANNUITIES

"Sec. 882. (a) On the basis of determination made by the Civil Service Commission pursuant to section 18 of the Civil Service Retirement Act, as amended, pertaining to per centum change in the price index, the following adjustments shall be made:

"(1) Effective April 1, 1964, if the change in the price index from 1962 to 1963 shall have equaled a rise of at least 3 per centum, each annuity payable from the fund which has a commencing date earlier than January 2, 1963, shall be increased by the per centum rise in the price index adjusted to the nearest one-tenth of 1 per centum.

"(2) Effective April 1 of any year other than 1964 after the price index change shall have equaled a rise of at least 3 per centum, each annuity payable from the fund which has a commencing date earlier than January 2 of the preceding year shall be increased by the per centum rise in the price index adjusted to the nearest one-tenth of 1 per centum.

"(b) Eligibility for an annuity increase under this section shall be governed by the commencing date of each annuity payable from the fund as of the effective date of an increase, except as follows:

"(1) Effective from the date of the first increase under this section, an annuity payable from the fund to an annuitant's survivor

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(other than a child entitled under section 821(c)), which annuity commenced the day after the annuitant's death, shall be increased as provided in subsection (a)(1) or (a)(2) if the commencing date of annuity to the annuitant was earlier than January 2 of the year preceding the first increase.

"(2) Effective from its commencing date, an annuity payable from the fund to an annuitant's survivor (other than a child entitled under section 821(c)), which annuity commences the day after the annuitant's death and after the effective date of the first increase under this section, shall be increased by the total per centum increase the annuitant was receiving under this section at death.

"(3) For purposes of computing an annuity which commences after the effective date of the first increase under this section to a child under section 821(c), the items \$600, \$720, \$1,800 and \$2,160 appearing in section 821(c) shall be increased by the total per centum increase allowed and in force under this section and, in case of a deceased annuitant, the items 40 per centum and 50 per centum appearing in section 821(c) shall be increased by the total per centum increase allowed and in force under this section to the annuitant at death. Effective from the date of the first increase under this section, the provisions of this paragraph shall apply as if such first increase were in effect with respect to computation of a child's annuity under section 821(c) which commenced between January 2 of the year preceding the first increase and the effective date of the first increase.

"(c) No increase in annuity provided by this section shall be computed on any additional annuity purchased at retirement by voluntary contributions.

"(d) No increase in annuity provided by this section shall apply to amounts being paid under authority of section 5 of Public Law 84-503, as amended, or any other law authorizing annuity grants to widows.

"(e) The monthly installment of annuity after adjustment under this section shall be fixed at the nearest dollar."

Mr. SPARKMAN. Mr. President, I move that the vote by which the bill was passed be reconsidered.

Mr. MANSFIELD. Mr. President, I move that the motion to reconsider be laid on the table.

The motion to lay on the table was agreed to.

AMENDMENT OF CIVIL SERVICE RETIREMENT ACT TO CORRECT INEQUITY IN ITS APPLICATION TO ARCHITECT OF THE CAPITOL

Mr. MANSFIELD. Mr. President, I move that the Senate proceed to the consideration of Calendar No. 794, House bill 5377.

The motion was agreed to; and the Senate proceeded to consider the bill (H.R. 5377) to amend the Civil Service Retirement Act in order to correct an inequity in the application of such act to the Architect of the Capitol and the employees of the Architect of the Capitol, and for other purposes.

Mr. McGEE. Mr. President, as chairman of the Retirement Subcommittee of the Committee on Post Office and Civil Service, I wish to explain briefly House bill 5377. It would apply to the Architect of the Capitol and the employees of his office the same annuity compensation formula which now is applied to other congressional employees. The bill would amend the Civil Service Retirement Act

so as to bring the employees of the Architect of the Capitol under the same system by which other congressional employees are covered. It is necessary that this be done, because at the present time employees under the Architect of the Capitol, working side by side with regular congressional employees, and serving in many similar capacities, still are not privileged to enjoy the level of retirement compensation which is available under the congressional system; they are under the regular civil service retirement system, rather than the congressional retirement system.

From time to time it has been pointed out that a slight amount of special consideration in connection with retirement benefits is given to congressional employees, for the reason that they do not have permanent status, but are subject to the whims of political fortune. The same situation applies to the employees of the Architect of the Capitol; under the existing system, they do not have permanent status, either. Therefore, the bill is designed to apply only to those employees, who are quite limited in number; there are 1,175 of them. Two-thirds of them—814, to be exact—are now, by statute, under congressional control—both those under the Senate Rules Committee and those under the operational committees of the House. Some of the employees in that category are already under the congressional retirement system—for example, those in the Senate restaurant. This bill is designed to correct an inequity which now obtains.

I believe that this measure—which, incidentally, was approved unanimously in the committee—is a good one, and should receive favorable consideration by the Senate.

The cost of the increased retirement benefits would be approximately \$315,000; that is a close calculation.

Mr. President, I submit the following additional explanation of the bill:

H.R. 5377 would accord to the Architect of the Capitol and the employees of his office the same annuity-computation formula that is now applied to other congressional employees. It would amend the Civil Service Retirement Act to bring the employees of the Architect of the Capitol under the same retirement system by which other congressional employees are covered. Provisions of the congressional retirement system are more liberal than those of the civil service system, designed for the employees of the executive branch, under which the Architect and his employees are now covered. The Architect and the employees of his office, however, are unquestionably congressional employees, whose efforts are solely directed toward serving the Congress. Accordingly, this measure corrects an inequity. In common with other congressional employees, neither the Architect nor his employees enjoy civil service or any other job security protection.

It should be pointed out that employees of the Library of Congress, the General Accounting Office, and the Government Printing Office—agencies of the legislative branch—are not included under the

congressional retirement system. However, those agencies are semiautonomous, operating under their own rules and regulations with the agency head supervising personnel administration. The regular year-round work force of the Architect of the Capitol consists of 1,175 employees of which 814 are subject by statute to congressional committee or commission control. These employees are thus subject to similar conditions of employment as other congressional employees. A breakdown of these 814 employees is as follows:

There are 369 who are employees of the Senate Office Buildings subject to the control of the Senate Committee on Rules and Administration; 381 are employees of the House Office Buildings and Capitol powerplant subject to the control of the House Office Building Commission; 64 are employees of the Senate and House Wings of the Capitol subject to the control of the Senate Committee on Rules and Administration and the Speaker of the House, respectively.

I shall provide for the Record a table showing a breakdown of positions under the Architect of the Capitol, which I ask to be inserted in the Record at the end of my statement.

Oddly enough, some employees of the Architect are already included in the congressional retirement system. Not included in the 1,175 total are employees of the House and Senate restaurants, who are under the Architect of the Capitol and who have been defined by the Comptroller General to be employees of the House and Senate and who are consequently covered by the congressional retirement system. It follows that if some employees of the Architect receive the more liberal benefits, so should all.

Upon enactment of this proposed legislation, the requirements and limitations of present law applicable to the retirement of congressional employees will apply to employees of the Office of the Architect of the Capitol. Accordingly, any such employee who qualifies for congressional retirement rights must have had at least 5 years of service and must have made contributions to the retirement fund to cover his last 5 years of civilian service. These conditions assure that no "windfall" can result from the enactment of this measure. Further restrictions are provided by section 2(f) of the Civil Service Retirement Act, which authorizes the Architect of the Capitol "to exclude from the operation of this Act any employees under the Office of the Architect of the Capitol whose tenure of employment is temporary or of uncertain duration." This provision is in accordance with the authority of the Civil Service Commission to exclude from Retirement Act coverage temporary or intermittent employees of the executive branch.

It should be emphasized that H.R. 5377 extends no civil service retirement rights to anyone not already entitled to retirement rights. It simply liberalizes the rights of a certain class of employee already covered to make them equal to the rights of other employees with similar or identical conditions of employment.

This measure can affect only 1,175 individuals. Its annual cost as estimated by the Civil Service Commission is \$315,000.

I urge passage of this bill as a reasonable move to correct an obvious inequity, which is easily visualized when one sees an employee of the Architect of the Capitol, who is not covered by congressional retirement, working alongside an employee of the Sergeant at Arms of the Senate or House who is covered.

Mr. President, I ask unanimous consent to have a table in connection with this matter printed at this point in the RECORD.

There being no objection, the table was ordered to be printed in the RECORD, as follows:

Positions under the Architect of the Capitol

Appropriations	Wage board positions	Unclassified positions	Classification Act positions	Statutory positions	Total positions
Salaries, Architect of the Capitol.....	1	3	26	3	33
Capitol buildings and grounds.....	96	44	16	---	156
Capitol Grounds.....	49	---	6	---	55
Senate office buildings.....	286	54	21	8	369
Legislative garage.....	7	---	---	---	7
House office buildings.....	284	76	21	---	381
Capitol Power Plant.....	78	---	4	---	82
Library buildings and grounds.....	57	---	2	---	59
Subtotal.....	858	177	96	11	1,142
Care of the building and grounds, Supreme Court.....	31	---	2	---	33
Total.....	889	177	98	11	1,175

Hearings of 1964—Breakdown of regular force under the Office of the Architect of the Capitol engaged in structural and mechanical care of the Capitol Building and Grounds, Senate and House Office buildings, Capitol Power Plant, Library of Congress buildings, U.S. Supreme Court building, and legislative garage

Capitol Power Plant: Engineers, mechanics, helpers, and laborers.....	82
Electrical substations and transformer stations (located in Capitol, Senate Office buildings, House Office buildings, Library of Congress buildings, and U.S. Supreme Court building): Operators, mechanics, helpers.....	12
Air conditioning—operation and maintenance: Engineers and mechanics.....	62
Structural care of buildings and operation of miscellaneous equipment: Maintenance mechanics and helpers (plumbers, electricians, carpenters, painters, sheet-metal workers, heating room attendants, public address system operators, subway operators).....	170
Elevators—maintenance and repair: Mechanics and helpers.....	29
Elevators—Operation: Elevator operators.....	143
General domestic care of buildings: Laborers, full-time.....	201
Charwomen, part-time.....	300
Capitol Grounds—Care and Maintenance: Gardeners and laborers.....	49
Legislative garage—care and operation: Superintendent and helpers.....	7
House garage (old building)—care and operation: Superintendent and helpers.....	10
Professional, administrative, and office force: Architect, engineers, administrative and clerical assistants, and miscellaneous.....	110

March 1963, total employees..... 1,175

Mr. LAUSCHE. Mr. President, will the Senator from Wyoming yield for a question?

Mr. McGEE. I yield.

Mr. LAUSCHE. As I understand, if this bill is enacted into law, the employees of the office of the Architect of the Capitol will be covered by what is known as the Congressional Retirement Act.

Mr. McGEE. That is correct. I point out that the employees affected by the bill are permanent employees.

Mr. LAUSCHE. Yes. At the hearings, was there a suggestion that some other group of employees might subsequently wish to be taken out of Civil Service Retirement Act coverage and included under the congressional retirement program?

Mr. McGEE. No such suggestion was made, and no such interest was manifested. However, those who discussed the details of this measure did state that other groups on the periphery of Capitol Hill are not now covered by this program. But they are on rather a semiautonomous basis—such as those in the Library of Congress, and the like. However, no such request was made.

Mr. LAUSCHE. Is it possible that, next year, those groups will also ask to be covered by this program?

Mr. McGEE. I have no way of knowing that. I would think it highly questionable that the committee's decision in regard to rectifying one inequity should be based in part on a consideration of what others might do thereafter. It seems to me that the case for the passage of this measure in the interest of this particular group is so clear that the Senate should pass this bill on its merits. Thereafter, the Senate may consider separately a bill dealing with other groups who might wish to be included.

Mr. WILLIAMS of Delaware. Mr. President, will the Senator from Wyoming yield to me?

Mr. McGEE. I yield.

Mr. WILLIAMS of Delaware. I think the answer to the question asked by the Senator from Ohio is most emphatically "yes"—that other groups will make similar requests in another year.

They will be here next year. This is another of the typical actions by the Senate. No single one costs much in itself, but added together they equal millions. What we are doing in the case of this small group of Federal employees is raising their retirement benefits about 40 percent over and above what they would get under existing law. Those in the next group will ask, "If such benefits are to be extended to one group, why stop?" The group involved today consists of 282 part-time charwomen, 121 patronage elevator operators, and the employees who operate in the Senate post office. Why should employees in the Senate post office for the same payment into the retirement fund be entitled to a 40-percent increase in retirement benefits over the employees working downtown?

Mr. McGEE. There is one good reason why he has greater entitlement, if any of us have, and that is that the em-

ployee downtown has the advantage of civil service status and thus has protections in his job that employees in the Capitol who are not under the same provisions do not enjoy. We have the rationale for a more favorable retirement system because of the uncertainty of employment on the Hill.

Mr. WILLIAMS of Delaware. Since when is the employee downtown guaranteed a job? If a reduction in force is put into effect, he loses his job and it is just as painful to him as to anyone who works on the Hill. Merely because we work in the Capitol is no reason why we should be declared indispensable. I am not too sure that the country would not be better off if some of us were to leave, but I believe—

Mr. McGEE. The Senator from Delaware is saying that, not I.

Mr. WILLIAMS of Delaware. Yes, I say it; and I would also say that I could think of a few suggestions in that connection. To say that because we work in the Congress the Government should pay us better retirement benefits than other employees merely because our position is not permanent, is not valid. After all, we are not working at a permanent job. We know that at the end of our terms we will not come back unless we are reelected. Why should it be otherwise?

After all, none of us are indispensable.

Mr. McGEE. The issue is not one of repeal of the congressional retirement system. That bill is not under consideration at the present moment. The bill to which we are addressing ourselves is simply extending consideration in equity to a small group which it seemed to the committee, unanimously, was entitled to the same consideration as other congressional employees. The issue is not whether a mistake was made in setting up the congressional retirement system.

Mr. WILLIAMS of Delaware. As the Senator from Ohio [Mr. LAUSCHE] has stated, we are expanding still further the overall cost. We already have a \$28 billion deficit in this fund. By 1977, as the retirement chief pointed out, the fund will be bankrupt and insolvent unless Congress raises the contributory rates of both the employees and the Government. I venture to say there will not be as much enthusiasm when it comes to raising the contributing rates to 30 percent of the payroll, as there is enthusiasm for a bill which expands the benefits.

Mr. McGEE. We have been holding hearings on that side of the problem as well, and there may be something said on that later, but that still is not the subject of this particular legislation. The issue has been resolved as the principal one at issue, and was resolved by unanimous vote, and presumably that unanimous vote is not about to be reversed. Therefore we assume it stands. However, the only issue is the question of inequity, the group that has to operate under the cloak of congressional jurisdiction with the same hazard to which the Senator has made reference, without enjoying the same privileges that go with the retirement system. Otherwise, the system operates the same. They are operating here in exactly, the